

09/770,706

MS158524.01/MSFTP158US

REMARKS

Claims 1-4, 6-11, 17-25 and 27-29 are currently pending in the subject application and are currently under consideration. A version of these claims is at pages 2-5.

Favorable reconsideration of the subject patent application is respectfully requested in view of the amendments and comments herein.

I. Rejection of Claims 1-4, 6-11, 17-25 and 27-29 Under 35 U.S.C. §103(a)

Claims 1-4, 6-11, 17-25 and 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cabral *et al.* (US 6,697,062) in view of Miller *et al.* "On-the-Fly Texture Computation for Real-Time Surface Shading", IEEE 1998. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. The rejection over Cabral *et al.* is not a valid rejection under 35 U.S.C. §103(a). The invention of the primary reference (Cabral *et al.* (US Patent No. 6,697,062)) was subject to an obligation of assignment to the assignee (Microsoft Corporation) of the present application at the time of filing. Therefore, a rejection under 35 U.S.C. §103(a) would not be proper pursuant to 35 U.S.C. §103(c) since the reference qualifies as prior art only under 35 U.S.C. §102(e). Furthermore, the Examiner has not alleged that Miller *et al.* alone can support the rejection. Accordingly, it is respectfully requested that this rejection should be withdrawn.

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CONCLUSION

The present application is believed to be condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP158US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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